



Paper No. 6

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OFFICE OF PETITIONS

ON PETITION

In re Application of
John Funk et al.
Application No. 09/881,658
Filed: June 15, 2001
Attorney Docket No. 26372-00001

This is a decision on the petition filed March 25, 2002, to revive the above identified application under 37 CFR 1.137(b).¹

The petition is **GRANTED**.

This application became abandoned on October 11, 2001, for failure to file a timely response to the Notice to File Missing Parts "Notice" mailed August 10, 2001, which set a two (2) month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. No Notice of Abandonment has been mailed.

This application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).